

IN AND BEFORE THE OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA, ex rel, )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

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OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION

Plaintiff, )  
)

RICHARD L. PENTECOST, M.D. CASE NO. 91-02-1151  
Medical License No. 8068,

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 8, 1993, at the office of the Oklahoma Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Defendant, Richard L. Pentecost, M.D., appeared in person and by legal counsel, Greg Thomas, Attorney at Law, P.O. Box 1276, Muskogee, OK 74402.

The Oklahoma Board of Medical Licensure and Supervision en banc reviewed the Complaint in this case, heard statements of counsel and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Richard L. Pentecost, M.D., holds Oklahoma Medical License No. 8068.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That from approximately January 1, 1992, through October 15, 1992, Defendant wrote approximately 2,074 prescriptions for scheduled, controlled dangerous substances for a total number of dosage units of 131,581.
4. That a prescription survey conducted in reference to certain scheduled drugs indicates that patient B.J. received approximately 50 prescriptions for 2,930 dosage units of controlled dangerous substances from June 5, 1990, through February 18, 1991, for an average of 9.18 dosage units per day.
5. That the prescription survey revealed that patient D.M. received approximately 33 prescriptions for 3,088 dosage units of controlled dangerous substances from January 6, 1992, through September 27, 1992, for an average of 11.65 dosage units per day.
6. That the prescription survey revealed that patient J.L. received approximately 32 prescriptions for 2,878 dosage units of controlled dangerous substances from January 24, 1992, through September 28, 1992, for an average of 11.60 dosage units per day.

7. That the prescription survey revealed that patient C.M. received approximately 13 prescriptions for 1,136 dosage units of controlled dangerous substances from May 6, 1992, through September 21, 1992, for an average of 8.17 dosage units per day.

8. That the prescription survey revealed that patient S.A. received approximately 18 prescriptions for 2,010 dosage units of controlled dangerous substances from January 16, 1992, through September 18, 1992, for an average of 8.17 dosage units per day.

9. That the above in addition to other patient records reveals that scheduled drugs were being prescribed in excess of the amount considered for the medical need presented.

10. That Defendant is perpetuating significant harm to public health, safety and welfare by continuing the acts and omissions set forth in the above allegations.

#### CONCLUSIONS OF LAW

1. That Richard L. Pentecost, M.D., holding Oklahoma Medical License No. 8068, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 509, Paragraph 17, to-wit:

"17. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards."

2. That Richard L. Pentecost, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Rule 435:10-7-4, (1), (2), and (6), to-wit:

"(1) Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"(2) Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

"(6) Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

#### ORDER


IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Defendant, Richard L. Pentecost, M.D., holding Oklahoma Medical License No. 8068, should be and is hereby **FORMALLY REPRIMANDED** for indiscriminate administration and prescribing of controlled dangerous substances and lack of adequate in-office control of the issuance of prescriptions, both by telephone and in person by the Defendant's office.

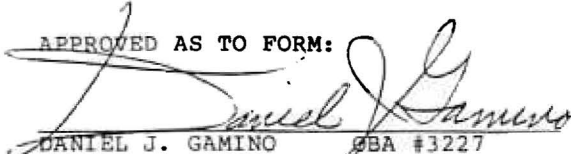
2. It is **SUGGESTED TO THE DEFENDANT**, but specifically not ordered, that the Defendant not rely on telephone prescriptions and that the Defendant review the street value for certain controlled dangerous substances regularly prescribed by him, and that the Defendant remove his pre-printed DEA number from his prescription pads.

3. That Defendant, by and through his legal counsel, should receive a copy of this Final Order so his record is complete.

DATED this 5 day of January, 1993.

  
GERALD C. ZUMWALT, M.D., Secretary  
State Board of Medical Licensure  
and Supervision

APPROVED AS TO FORM:

  
DANIEL J. GAMINO      GBA #3227  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 19 day of January, 1993, to:

RICHARD L. PENTECOST, M.D.  
c/o Greg Thomas  
Attorney at Law  
P.O. Box 1276  
Muskogee, OK 74402

